



HF 746 – Weapons, Permits to Carry (LSB 1114HV)

Analyst: Jennifer Acton (Phone: 515-281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 746 relates to the issuance of permits to carry weapons. The Bill requires the Judicial Branch to provide the Department of Public Safety with notices of all adjudications of persons involuntarily committed to a mental institution for inpatient or outpatient or other appropriate treatment by reasons of serious mental impairments under Chapter 229, Code of Iowa. This information will only be used by the Department of Public Safety to submit information to the National Instant Criminal Background System maintained by the Federal Bureau of Investigation and takes effect January 1, 2010. In addition, the Bill amends the current law relating to a firearms training program; provides that a person who is at least 21 years of age and who meets the additional eligibility requirements shall be issued, at the discretion of the issuing officer, a nonprofessional permit to carry; and establishes an administrative review procedure for an applicant who have been denied a permit to carry concealed weapons or who has had a restriction placed on the permit.

Background

Correctional and Fiscal Information

- In FY 2008, there were 2,948 offenders convicted of domestic abuse assault.
- In FY 2008, there were 240 convictions for carrying weapons violations.
- In FY 2008, there were five individuals convicted of the simple misdemeanor of failure to carry or produce a concealed weapon permit.
- In FY 2008, there were 28,876 nonprofessional permits issued.
- Section 10A.801(5) and (9), Code of Iowa states in contested cases, the Administrative Hearings Division of Inspections and Appeals is allowed to charge the cost of the hearing to the agency or jurisdiction that made the original decision.

Minority Data Information

Of the 240 convictions for carrying weapons violations in FY 2008, 195 individuals listed a race. There were 120 Caucasian, 53 African American, and the remaining individuals consist of other races or ethnicities.

Assumptions

Correctional and Fiscal Information

- The Department of Public Safety estimates approximately 4,000 new nonprofessional permits issued annually.
- The cost for one hour of Administrative Law Judge time is \$90.50 and the cost for one hour of support time is \$36.75. An estimated three hours per case of Administrative Law Judge time and 0.5 hours of support staff time is assumed. The total cost per case is estimated to

be \$290. These figures include salaries, benefits, telephone, office equipment, and indirect costs.

- A \$10 processing fee is required to be submitted with each denial or restricted permit along with a written statement. The revenue from the \$10 fee is assumed to be deposited in the General Fund because the Bill does not address where the money is to be deposited.
- Permits will be issued for a three-year period rather than a one-year period. For each permit issued, the fee is increased from \$10 to \$30 and Public Safety will receive \$6 rather than \$2. For each renewal, the fee is increased from \$5 to \$15 and Public Safety will receive \$3 rather than \$1.

Summary of Impacts

Correctional Impact

It is not known how many of the persons responsible for the 240 convictions would have been granted a permit, so it is not possible to determine if the number of convictions may be reduced.

Minority Impact

The Bill is not anticipated to have a disproportionate impact on any minority population.

Fiscal Impact

Section 2 of the Bill takes effect on January 1, 2010. The fiscal impact of this section is approximately \$100,000 in one-time programming costs to the General Fund for FY 2010, as follows:

- \$50,000 for the Department of Public Safety (DPS) for contracted computer programming to accept data from the Judicial Branch (Iowa Court Information System) and to transfer the data to the FBI National Instant Background Check System (NICS) Program.
- \$50,000 for the Judicial Branch to design an automated noticing process for the DPS.

The fiscal impact to the Department of Inspections and Appeals will be offset by the fees charged to local governments for the cost of the appeals. The fiscal impact to the counties will be approximately \$300 per appeal.

The fiscal impact of going from a one-year license period to a three-year license period is revenue neutral.

Sources

Criminal and Juvenile Justice Planning Division of the Department of Human Rights
Department of Public Safety
Judicial Branch
Department of Inspections and Appeals
Iowa Sheriffs and Deputies Association

/s/ Holly M. Lyons

March 23, 2009

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
